

REMARKS

Status of the Claims

The Office Action mailed February 26, 2009 noted that claims 1-21 and 23-33 were pending, allowed claim 26 and rejected claims 1-21, 23-25, and 27-33. Claims 1, 5, 12, 15, 19, 20, 21, 27, 28, and 31-33 are amended. No claims are cancelled. No new claims are added. No new matter is believed to be presented.

Claims 1-21 and 23-33 are pending and under consideration. Reconsideration of the claims is respectfully requested. The objection and rejections are traversed below.

Objection to the Drawings

The Office Action, on page 6, in item 5, objected to the drawings under 37 CFR 1.83(a). In light of the amendment to claim 32 to clarify its distinctive features, withdrawal of the objection is requested.

Rejection under 35 U.S.C. § 112, first paragraph

The Office Action, on page 7, in item 7, rejected claim 32 under 35 U.S.C. § 112, first paragraph, as failing to comply with the written description requirement. Claim 32 is amended and withdrawal of the rejection is respectfully requested.

Rejection under 35 U.S.C. § 101

The Office Action, on page 8, in item 9, rejected claim 27 under 35 U.S.C. § 101 as being directed to non-statutory subject matter. In an effort to expedite prosecution, Applicant further amends paragraph [0071] of the Specification. Withdrawal of the rejection is respectfully requested.

Rejections under 35 U.S.C. § 103

The Office Action, on page 9, in item 12, rejected claims 1-9, 11-14, 20-21, 22-24, 28-29, 31, and 33 under 35 U.S.C. § 103(a) as being unpatentable over Pitroda (U.S. Patent Application Publication Number 2002/0097277) in view of Miyashita et al. (U.S. Patent Application Publication Number 2002/0122158) and further in view of Selker (U.S. Patent Application Publication Number 2002/0122072). This rejection is respectfully traversed below.

The Office Action, on page 10, admits that Pitroda fails to teach wherein the graphical user interface is located in a lower display corner opposite to a handedness of a user. However,

the Office Action then asserts that Miyashita discusses an interface comprising a graphical user interface area located in a lower display corner opposite to the handedness of a user. The Office Action asserts that Figures 18 and 19 and paragraph [0141] of Miyashita explain that the interface is located in a lower left corner which is opposite to the handedness of a right handed user. However, the Pitroda cannot be simply combined with Miyashita to locate the interface in the lower right hand corner without extensive modification to the interface itself.

Miyashita notes that the menu appears in the lower left hand corner of the screen to allow files to be selected without impairing the view of the image data being projected. (See Miyashita, Figures 18, 19, and paragraph [0141]).

Pitroda in combination with Miyashita cannot teach or suggest "the graphical user interface is **located in a lower left display corner for a right-handed user and a lower right display corner for a left-handed user,**" recited for example, in claim 1. Miyashita does not say anything about locating the menu opposite in a lower right display corner for a left-handed user, but rather arbitrarily locates the menu in the lower left corner as to not impair the view of image data being projected. Additionally, in paragraph [0147], Miyashita explicitly states "a Menu screen SW1 or File Select screen SW2 appears in the lower left hand corner of the display screen SR projected by the projector, but this is merely exemplary, it being possible to display the screens in any area of the projected display screen SR. **The features of the image data being projected may be taken into consideration, for example, by automatically detecting an area devoid of text, charts, or graphs, and displaying the screen in this area.**" Thus, one would not be motivated to modify the teachings of Pitroda with the teachings of Miyashita because the right part of the interface of Pitroda is not devoid of objects but rather a large concentration of the interface objects is in the right part of the interface. (See Pitroda, Figure 11A cited in the Office Action). Thus Pitroda and Miyashita cannot teach "the graphical interface is located in a lower left display corner for a right-handed user and a lower right display corner for a left-handed user."

The Office Action may not apply impermissible hindsight in making its rejection. While any rejection is a reconstruction based upon hindsight reasoning, the Office Action's citation of *In re Japikse*, 86 USPQ 70 (CCPA 1950) on page 5 of the Office Action is misplaced because claim 1, for example, does not simply rearrange parts as in *In re Japikse*, but alters conventional interaction with a typical menu interface. (See MPEP 2145 and MPEP 2144.04 "[t]he mere fact that a worker in the art could rearrange the parts of the reference device to meet the terms of the claims on appeal is not by itself sufficient to support a finding of obviousness. The prior art must

provide a motivation or reason for the worker in the art, **without the benefit of appellant's specification, to make the necessary changes in the reference device.**" *Ex parte Chicago Rawhide Mfg. Co.*, 223 USPQ 351, 353 (Bd. Pat. App. & Inter. 1984). The teachings of Pitroda and Miyashita would not motivate one of ordinary skill in the art to combine the two references. In light of the teachings of locating the menu of Pitroda in an area devoid of objects on screen, it is respectfully submitted that any motivation to make the changes to Pitroda could not be derived from Miyashita, but only from the applicant's specification.

Thus a prima facie case of obviousness cannot be established and claim 1 patentably distinguishes over Pitroda, Miyashita, and Selker, taken alone and in combination.

Independent claim 5 patentably distinguishes over Pitroda, Miyashita, and Selker, taken alone and in combination because nothing cited or found teaches "an interface area located in a lower left display corner for a right-handed user and in a lower right display corner for a left-handed user."

Independent claim 12 patentably distinguishes over Pitroda, Miyashita, and Selker, taken alone and in combination because nothing cited or found teaches "a persistent interface having an interface arc shape, located in a lower left corner of a display area for a right-handed user and in a lower right corner of the display area for a left-handed user."

Independent claim 20 patentably distinguishes over Pitroda, Miyashita, and Selker, taken alone and in combination because nothing cited or found teaches "mapping controls of a persistent graphical user interface in an arc shape at a lower left corner location for a right-handed user and at a lower right corner location for a left-handed user."

Independent claim 21 patentably distinguishes over Pitroda, Miyashita, and Selker, taken alone and in combination because nothing cited or found teaches "mapping controls of a graphical user interface in an arc shape at a lower left display corner location for a right-handed user and at a lower right display corner location for a left-handed user."

Independent claim 27 patentably distinguishes over Pitroda, Miyashita, and Selker, taken alone and in combination because nothing cited or found teaches "mapping controls of a persistent graphical user interface in an arc shape at a lower left corner location for a right-handed user and at a lower right corner location for a right-handed user."

Independent claim 28 patentably distinguishes over Pitroda, Miyashita, and Selker, taken alone and in combination because nothing cited or found teaches "a processor positioning a persistent graphical user interface of multiple controls in a lower left corner of the display for a

right-handed user and a lower right corner of the display for a left-handed user.”

Independent claim 31 patentably distinguishes over Pitroda, Miyashita, and Selker, taken alone and in combination because nothing cited or found teaches “a fixed position, arc shaped, display edge intersecting menu bar interface graphic located in a lower left display corner for a right-handed user and in a lower right display corner for a left-handed user.”

Independent claim 32 patentably distinguishes over Pitroda, Miyashita, and Selker, taken alone and in combination because nothing cited or found teaches “a first graphical user interface located in a lower left display corner and responsive to a first natural motion by a user associated with a first end of a range of the first natural motion; and second graphical user interface located in a lower right display corner responsive to a second natural motion by the user associated with a second end of the range of the second natural motion.”

Independent claim 33 patentably distinguishes over Pitroda, Miyashita, and Selker, taken alone and in combination because nothing cited or found teaches “a graphical user interface area located in a lower left display corner for a right-handed user and in a lower right display corner for a left-handed user.”

The dependent claims depend from the above-discussed independent claims and are patentable over the cited references for the reasons discussed above.

The Office Action, on page 17, in item 13, rejected claims 25 and 30 under 35 U.S.C. § 103(a) as being unpatentable over Pitroda in view of Miyashita and Selker, and further in view of Keely Jr. et al. (U.S. Patent Number 6,337,698). This rejection is respectfully traversed below.

Dependent claims 25 and 30 depend from the above-discussed independent claims and are patentable over Pitroda, Miyashita, Selker, and Keely Jr., taken alone and in combination, for at least the reasons discussed above.

The Office Action, on page 18, in item 14, rejected claim 10 under 35 U.S.C. § 103(a) as being unpatentable over Pitroda in view of Miyashita and Selker, and further in view of Kurtenbach (U.S. Patent Number 5,689,667). This rejection is respectfully traversed below.

Dependent claim 10 depends from the above-discussed independent claims and is patentable over Pitroda, Miyashita, Selker, and Kurtenbach, taken alone and in combination, for at least the reasons discussed above.

The Office Action, on page 19, in item 15, rejected claims 15-18 under 35 U.S.C. § 103(a) as being unpatentable over Pitroda in view of Miyashita and Selker, and further in view of Anderson et al. (U.S. Patent Number 5,828,360). This rejection is respectfully traversed below.

Independent claim 15 patentably distinguishes over Pitroda, Miyashita, Selker, and Anderson, taken alone and in combination, because nothing cited or found teaches “a persistent arc shaped graphic located in a lower left corner of a display area for a right-handed user and in a lower right corner of the display area for a left-handed user.” The dependent claims 16 -18 depend from the above-discussed independent claims and are patentable over the cited references for the reasons discussed above.

The Office Action, on page 22, in item 16, rejected claim 19 under 35 U.S.C. § 103(a) as being unpatentable over Pitroda in view of Miyashita, Selker, Anderson, and Kurtenbach. This rejection is respectfully traversed below.

Independent claim 19 patentably distinguishes over Pitroda, Miyashita, Selker, Anderson, and Kurtenbach, taken alone and in combination, because nothing cited or found teaches “an arc shaped persistent graphic located in a lower left corner of a display area of the drawing based application for a right-handed user and in a lower right corner of the display area of the drawing based application for a left-handed user.”

Allowable Subject Matter

The Office Action, on page 24, in item 17, noted that claim 26 is allowable.

Summary

There being no further outstanding objections or rejections, it is submitted that the application is in condition for allowance. An early action to that effect is courteously solicited.

Finally, if there are any formal matters remaining after this response, the Examiner is requested to telephone the undersigned to attend to these matters.

Serial No. 10/748,686

If there are any additional fees associated with filing of this Amendment, please charge the same to our Deposit Account No. 19-3935.

Respectfully submitted,

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